

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARIA GUADALUPE ELLIS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

**NIKE USA, INC. and NIKE RETAIL
SERVICES, INC.,**

Defendants.

Case No. 4:23-cv-00632-MTS

Honorable Matthew T. Schelp

**DECLARATION OF DAVID R. SINGH IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS**

DAVID R. SINGH, being duly sworn, deposes and says under penalty of perjury:

1. I am an attorney with the firm Weil, Gotshal & Manges LLP, and Defendants' counsel in this action, over 18 years of age, of sound mind and otherwise competent to make this Declaration.
2. I am fully familiar with the facts and circumstances surrounding this action and the matters stated herein are based upon my personal knowledge.
3. I submit this Declaration in support of Defendants' motion to dismiss.
4. Attached hereto as Exhibit 1 is a true and correct copy of Nike's Sustainability information homepage, as it appeared on Nike's website—<https://www.nike.com/sustainability>—on July 27, 2023. Nike's Sustainability information homepage is accessible via the Wayback Machine at <https://web.archive.org/web/20230510202904/https://www.nike.com/sustainability>.

5. Attached hereto as Exhibit 2 is a true and correct copy of the Materials tab of Nike's Sustainability information homepage, as it appeared on Nike's website—<https://www.nike.com/sustainability/materials>—on July 27, 2023. The Materials tab of Nike's Sustainability information homepage is accessible via the Wayback Machine at <https://web.archive.org/web/20230424185615/https://www.nike.com/sustainability/materials>.

6. Attached hereto as Exhibit 3 is a true and correct copy of the product page for the Nike Dri-FIT One Women's Standard Fit Short Sleeve Cropped Top, as it appeared on Nike's website—<https://www.nike.com/t/dri-fit-one-womens-standard-fit-short-sleeve-cropped-top-c3jKNg>—on July 27, 2023. The product page for the Nike Dri-FIT One Women's Standard Fit Short Sleeve Cropped Top is accessible via the Wayback Machine at <https://web.archive.org/web/20230510211800/https://www.nike.com/t/dri-fit-one-womens-standard-fit-short-sleeve-cropped-top-c3jKNg/DD4954-894>.

7. Attached hereto as Exhibit 4 is a true and correct copy of the product page for the Nike Rise 365 Men's Dri-FIT Short Sleeve Running Top, as it appeared on Nike's website—<https://www.nike.com/t/rise-365-mens-dri-fit-short-sleeve-running-top-rPq09C>—on July 27, 2023. The product page for the Nike Rise 365 Men's Dri-FIT Short Sleeve Running Top is accessible via the Wayback Machine at <https://web.archive.org/web/20230510210242/https://www.nike.com/t/rise-365-mens-dri-fit-short-sleeve-running-top-rPq09C/CZ9184-084>.

8. Attached hereto as Exhibit 5 is a true and correct copy of the product page for the Nike Dri-FIT One Luxe Women's Standard Fit Tank, as it appeared on Nike's website—<https://www.nike.com/t/dri-fit-one-luxe-womens-standard-fit-tank-0ZX1Wf>—on July 27, 2023. The product page for the Nike Dri-FIT One Luxe Women's Standard Fit Tank is accessible via the

Wayback Machine at <https://web.archive.org/web/20230606182303/https://www.nike.com/t/dri-fit-one-luxe-womens-standard-fit-tank-0ZX1Wf/DD0615-824>.

9. Attached hereto as Exhibit 6 is a true and correct copy of the product page for the Nike Sportswear Everyday Essential Crew Socks (3 Pairs), as it appeared on Nike's website—<https://www.nike.com/t/sportswear-everyday-essential-crew-socks-3-pairs-H7K4n7>—on July 27, 2023. The product page for the Nike Sportswear Everyday Essential Crew Socks (3 Pairs) is accessible via the Wayback Machine at <http://web.archive.org/web/20230510205505/https://www.nike.com/t/sportswear-everyday-essential-crew-socks-3-pairs-H7K4n7/DX5025-100>.

10. Attached hereto as Exhibit 7 is a true and correct copy of the product page for the Nike Yoga Dri-FIT Men's Fleece Pants, as it appeared on Nike's website—<https://www.nike.com/t/yoga-dri-fit-mens-fleece-pants-ZX61zH>—on July 27, 2023. The product page for the Nike Yoga Dri-FIT Men's Fleece Pants is accessible via the Wayback Machine at <https://web.archive.org/web/20230510211808/https://www.nike.com/t/yoga-dri-fit-mens-fleece-pants-ZX61zH/DQ4882-011>.

11. Attached hereto as Exhibit 8 is a true and correct copy of the product page for the Jordan Flight MVP Men's Woven Pants, as it appeared on Nike's website—<https://www.nike.com/t/jordan-flight-mvp-mens-woven-pants-F0sj5q/DV7580-030>—on July 27, 2023. The product page for the Jordan Flight MVP Men's Woven Pants is accessible via the Wayback Machine at <http://web.archive.org/web/20230316025452/https://www.nike.com/t/jordan-flight-mvp-mens-woven-pants-F0sj5q/DV7580-030>.

030?cid=4942550&cp=usns_aff_nike_content_PID_100314412_SOLELINKS+MARKETING+INC&cjevent=ec1b50e7c3a511ed820549670a18b8fb.

12. Based upon my knowledge and experience, the exhibits attached hereto are true and accurate representations of websites as they existed and appeared on the respective dates noted therein.

13. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 24, 2023

Respectfully submitted,

By: /s/ David R. Singh

DAVID R. SINGH (*Pro Hac Vice*)
david.singh@weil.com
MORGAN D. MACBRIDE (*Pro Hac Vice*)
morgan.macbride@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway, 4th Floor
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

***Attorneys for Defendants NIKE USA, INC.
and NIKE RETAIL SERVICES, INC.***